

21 C.J.S. Courts § 170

Corpus Juris Secundum | May 2023 Update

Courts

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V. Rules of Practice and Procedure

B. Operation and Effect of Court Rules

§ 170. Excuse for noncompliance

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

- West's Key Number Digest, [Courts](#)  85, 85(4)



A supreme court has discretion to excuse compliance with the rules that it establishes but only in exceptional circumstances.

A supreme court's supervisory authority includes the discretion for the court to excuse compliance with the rules it establishes in accordance with that authority.¹ Unexplained neglect by a party or its counsel will not automatically excuse noncompliance with orderly procedural requirements.²

A court will excuse an infraction of a court rule only in exceptional circumstances³ that evince a willful disregard or disobedience of an obligation expressly stated in the rule.⁴ Thus, an attorney cannot violate an unambiguous rule of court with impunity merely because the attorney relied upon the erroneous advice of a person in the clerk's office.⁵

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Footnotes

- 1 Ill.— Wauconda Fire Protection Dist. v. Stonewall Orchards, LLP, 214 Ill. 2d 417, 293 Ill. Dec. 246,
828 N.E.2d 216 (2005).
- 2 R.I.— Jacksonbay Builders, Inc. v. Azarmi, 869 A.2d 580 (R.I. 2005).
- 3 Cal.—La Bue v. Superior Court, 75 Cal. App. 3d 264, 142 Cal. Rptr. 83 (1st Dist. 1977).
- 4 Pa.—Gonzales v. Procaccio Bros. Trucking Co., 268 Pa. Super. 245, 407 A.2d 1338 (1979).
- 5 N.J.—Matter of Tenure Hearing of Cowan, 224 N.J. Super. 737, 541 A.2d 298, 46 Ed. Law Rep. 979
(App. Div. 1988).

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